

Table I. FY 2003 Nevada BLM Energy & Minerals Issues Summary

Categories	Combined Issues	Proposed Resolutions & Action Items	Status
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1.0 Surface Management (43 CFR 3809)

1.1 Surface Management, General

1.1.1 Management Policies	1.1.1.1 (NMA) Since mining projects must compete for capital with other investment options, this increase in spending [for exploration activities, expansion of existing operations, and possible new plans] could be offset by: 1) the availability of non-cash intensive bonding options, 2) cost of these bonding options , and 3) length of permit approval process		Comment noted.
	1.1.1.2 (NMA, NDEP) Program Inconsistencies between Districts on implementation of policy and regulations	1.1.1.2.1 (NMA) Implement an administrative audit/review system with State Office guidance that include appropriate schedules and timeframes to eliminate inconsistencies between Districts on implementation of policy issues like: 1) The NEPA process; 2) Archeological reviews; 3) Wildlife issues (i.e. sage grouse, etc.); 4) Permitting - NDEP coordination; 5) Bonding – a) Releases – (timely, one agency approval not both) and b) Calculations – (high level of detail employed in these calculations, detail can lead to long review time and lengthy exchanges over these smaller details. Can a broad-based approach be developed to streamline the review and cost finalization process (particularly with respect to the more minor cost items; 6) NEPA alternatives	1.1.1.2.1 Comment noted. However, an “Ombudsman” is not an option Nevada BLM management will pursue, as it would conflict with the discretion of the “authorized officer,” the BLM Field Manager. The Nevada State Office will continue to work with the Field Offices toward consistency.

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		1.1.1.2.2 (NMA) Consider an administrative review process or establishment of an Ombudsman to facilitate resolution of conflicts: 1) regarding technical reports, 2) NEPA alternatives, and 3) permit coordination issues with NDEP and others.	Comment noted.
		1.1.1.2.3 (NSF RAC) BLM should review existing IM's, handbooks and manuals, modify as needed and re-implement (reissue) to each FO.	Comment noted.
	1.1.1.3 Policies vs. Regulations. (NSF RAC) Need to administer activities using policies (including Handbooks and Manuals) more flexibly, not as strictly as regulations.	1.1.1.3 (NSF RAC) Address site or resource specific issues with policies. (Policies are the "should or could," while regulations dictate a finer line of right and wrong.)	1.1.1.3 In progress. Some handbooks, manuals and policy are being updated.
	1.1.1.4 (BLM - Elko) How can we ensure distribution of policy and guidance/directives to appropriate/needful personnel? E-mail protocol has been poor method for distributing directives.	1.1.1.4 (BLM - Elko) BLM can ensure distribution of policy and guidance/directives to appropriate/needful personnel through: Protocols, Minerals web site (e.g., timeliness, easy to find, contact list update, correspondence response instruction), Lotus Notes Profiles (search capability), records management, Solid Minerals Forum, weekly conference calls (just another meeting), 3809 Database - Lotus Notes, "To Do List," STD group lists by system administrator, Minerals (NV-920) develop a standard with IRM	1.1.1.4 In progress. Several alternatives are being considered.

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	1.1.1.5 Land Use Planning & Guidance	1.1.1.5 (NMA) Formalize a process to involve permittees, and the interested public early in the District program Planning process, in the development of IMs, policies, guidance documents (handbooks, manuals, etc.).	1.1.1.5 Under consideration. May be addressed through the coordination guidance process being developed with NDEP and NMA.
	1.1.1.6 (BLM - Elko) Employees confused.	1.1.1.6 (BLM - Elko) Employees and Industry confused. Need to inform them of: NSO instructions, guidance, handbooks, checklist, spreadsheets, example bond calculations	Comment noted.
	1.1.1.7 (BLM - Elko) LR2000 Data. Can we import LR2000 data into ArchView? Data Steward issues? Data accuracy issues (identified in Legacy Plan)?	1.1.1.7 (LVFO) NV-920 check into our ability to import LR2000 data into ArchView.	1.1.1.7 Completed 02/25/03. NV-950 indicated LR2000 data can be captured in BRIO software and saved in an MS Excel spreadsheet or Comma Delimited File format for importing into ArcMap. This technique has been used for BLM Geothermal and Oil and Gas Leasing maps. NV-950 contacted BLM Tonopah Field Station to assist them with mapping LR2000 data for 3809 notices and plans of operations.
	1.1.1.8 Land Sales & Exchanges. (NSF RAC) BLM should foster sustainable development of public lands for rural Nevada through land exchanges and sales.	1.1.1.8 (NSF RAC) BLM should continue to be proactive in the land sales and exchanges.	Comment noted.
	1.1.1.9 (BLM-Elko) FLPMA Land Sales. What is guidance for doing FLPMA Land Sales?	1.1.1.9 (BLM-Elko) FLPMA Land Sales were not an agenda item at Elko workshop.	Comment noted.
1.1.2 New MOU	1.1.2.1 (NDEP) All BLM Field Office personnel may not be informed of the changes in the MOU.	1.1.2.1.1 (NDEP) Advise the District staff of changes in the new MOU	1.1.2.1.1 Completed.

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		1.1.2.1.2 (NDEP-Elko) - Establish and maintain coordination - Conduct joint field inspections - Expedite administration - Duplicate Copies of documents for Review and Approval - should work both ways - Coordinate reviews - Mandatory meeting/teleconference (at least one)	1.1.2.1.2 In progress. Being implemented.
1.1.3 Communications	1.1.3.1 (BLM - LVFO) The BLM Nevada State Office, Energy & Minerals Web sites (External & Internal) need to be revised to add more information.	1.1.3.1 NV-920 should implement numerous action items proposed to improve the Web sites.	1.1.3.1 In progress.
1.1.4 Appeals	1.1.4.1 (BLM - LVFO) Process takes too long, allowing claimants or occupants to abandon site before it is reclaimed. Most of these sites are not bonded and there is no funding available for reclamation.		Comment noted.
1.2 Surface Management, Notices			
1.2.1 Extensions	1.2.1.1 (BLM - LVFO) Processing Notice extensions is an added workload to an already heavy workload (35-40)		Comment noted.
	1.2.1.2 (BLM - LVFO) A large workload ahead is getting extended notices bonded that are not bonded now.		Comment noted.
	1.2.1.3 Industrial mineral operations with 20 – 30 year life/reserves should be low priority.		Comment noted.
	1.2.1.4 (BLM - LVFO) Many operators think the NEW regulations do not apply to them.		Comment noted.

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1.2.2	1.2.2.1 (BLM - LVFO) Federal Action? - NEPA, Public Notice in Fed. Reg., Public comment period		Comment noted.
1.2.3 “Orphaned” Operations	1.2.3.1 (BLM - LVFO) (“Orphaned” operations are considered those notices not extended, 65?) - Most missing responsible party/claimant/operator through abandonment, death, moved out of area, etc. - NOT AML sites, can’t use 1990 dollars to clean up AML sites - How should they be handled (as “orphaned?”) - Need dollars to deal with potential Government liability for safety hazards	1.2.3.1.1 LVFO will send NV-920 copy of list of “orphaned” notices.	Comment noted.
		1.2.3.1.2 Incorporate “Orphaned” notices into BLM budget process for funding clean up.	
1.2.4 Expired Notices	1.2.4.1 (BLM - LVFO) Getting rid of expired Notices will be a nightmare for LVFO under IM WO-2002-044, because new 3809 regulations require compliance inspections every two years.		Comment noted.
	1.2.4.2 (BLM - LVFO) There are 4 to 6 decisions required for each Notice closure, which becomes a workload issue.		Comment noted.

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1.2.5 Inadequate Filings, Notices & Plans of Operations	<p>1.2.5.1 (BLM - LVFO) LVFO getting grossly inadequate plan and notice document filings/submissions from small – medium operators (i.e., lack of consistency)</p> <p>Is there any point in the notice/plan submission process where the FO can tell the operator they need to hire a consultant? The LVFO is going through too many cycles requesting more, better (map) information from operators. Cannot get 100% reclamation cost estimate until understand exactly what the operator will be doing. Also, cannot get enough information to evaluate to do a NEPA analysis.</p>	1.2.5.1 Need guidance for resolution.	1.2.5.1 In progress. Considering development of a new plan of operations format and reclamation cost estimate format and guidance document.
1.2.6 Reclamation Cost Estimates	<p>1.2.6.1 LVFO not getting adequate reclamation cost estimates from the operators. LVFO will prioritize their reclamation costing workload as follows:</p> <ol style="list-style-type: none"> 1. Those not bonded at all 2. Bonded, but not current 		Comment noted.

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1.3 Surface Management, Plans of Operation

1.3.1 Plan Approval	1.3.1.1 Three-Way Coordination Meetings (BLM, NDEP, and Operator). NDEP has not been receiving calls from BLM for these joint meetings when they have initial contact with potential permittee.	1.3.1.1.1 (NDEP) Include BLM NEPA personnel in 3-Way coordination meetings between NDEP, Operator and BLM, to help establish reasonable timeframes for review and approval, prevent duplication of efforts and to streamline the overall process.	1.3.1.1.1 In progress.
		1.3.1.1.2 (NDEP) BLM FOs should call NDEP for joint meetings immediately following initial contact with potential permittee.	1.3.1.1.2 NDEP not involved with Notice-level operations.
		1.3.1.1.3 (BLM - Elko) Update/develop “Point-of-Contact” List/Field Personnel Directory with current FO and NDEP contacts.	1.3.1.1.3 In progress.
		1.3.1.1.4 (11. NDEP) Need to update our contact project list with current staff for both agencies	1.3.1.1.4 In progress.
	1.3.1.2 (LVFO) How does 3-way coordination meeting coincide with the 30-day review timeline meeting, where timing is not defined?		Comment noted.
	1.3.1.3 (2. NDEP) Operators not providing both agencies the same information.	1.3.1.3 (2. NDEP) When a BLM staff person receives changes or updates to reclamation plan or Plan of operations, check cover letter to see if NDEP has been copied. If not direct the operator to provide NDEP a copy (NAC 519A.160) for its concurrent review, give NDEP a call or email and inform us BLM has received changes.	Comment noted.
	1.3.1.4 (NSF RAC) BLM and operators should plan activities together	1.3.1.4.1 (NSF RAC) Project management schedules should be jointly developed by operators and BLM and followed.	Comment noted.

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		1.3.1.4.2 (NSF RAC) BLM should ask all mining permit holders what their plans are for the next year.	Comment noted.
	1.3.1.5 (4. NDEP) The joint BLM/NDEP application form has been modified by the BLM with out knowledge of NDEP.	1.3.1.5 (4. NDEP) Need to revisit the joint form and make changes (jointly) to address inconsistencies. Changes to the joint form should be made jointly. NDEP suggests changing the form to remain as a joint reclamation plan, but have BLM develop a separate checklist to include the information required for a plan of operations to meet the new 3809 regulations.	1.3.1.5 Under consideration.
	1.3.1.6 (5. NDEP) Revised 3809 regulations include additional information in the Plan of operations and reclamation plan that may also be a requirement for the regulation and closure branches (i.e. conceptual designs for processing facilities, water management plans, rock characterization and handling plans, quality assurance plans, post closure management, monitoring plans, and interim management plans).	1.3.1.6.1 (NDEP) NDEP (closure and regulation branch) and BLM need to work together to develop guidance to streamline and prevent duplication.	1.3.1.6.1 In progress. Working with NDEP and NMA to develop guidance.
		1.3.1.6.2 (7. NDEP) Improve joint approval of reclamation plans and bond costs estimates approved for existing operations.	Comment noted.
	1.3.1.7 (10. NDEP) BLM and NDEP need to work together to ensure the reclamation plan or permit establishes the revegetation criteria for bond release , as outlined in the guidelines established in 1998.		Comment noted.

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	1.3.1.8 (14. NDEP) Please clarify who is responsible to ensure the reclamation plan and cost estimate are revised to be consistent with the approved action in the NEPA document? The operator or the BLM, or both? When should this occur?		Comment noted.
	1.3.1.9 (BLM - Elko) NDEP public review late in process - causes double work	1.3.1.9 (BLM - Elko) NSO guidance needed; NSO develop/coordinate with Field Offices: 1) Need more specifics from State, 2) Start NEPA before cost estimate prepared (project schedule!), 3) Need complete plan from industry.	Comment noted.
	1.3.1.10 (NDEP-Elko) Increased applications , but no political support for increased fees to support backlog Reduction. NDEP Administrator concerned.	1.3.1.10 (NDEP-Elko) NDEP & BLM FOs should work together to reduce duplication	1.3.1.10 Comment noted. See status of 1.2.5.12, above.
1.3.2 Plan Approval	1.3.2.1 See “Inadequate filings” and “Reclamation Cost Estimates” issues listed above.		Comment noted.

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1.4 NEPA Analysis

1.4.1 Quality of NEPA Analysis

1.4.1 Quality of NEPA Analysis	1.4.1.1 (6. NDEP) Improve information sharing . How can NDEP become informed on current NEPA proposals that each District is working on? Mailing list? Does each District publish a project and planning schedule?	1.4.1.1.1 (6. NDEP) BLM should work with NDEP to improve information sharing by:	Comment noted.
		1.4.1.1.2 FOs should develop project/planning schedules and send copies to NDEP.	
		1.4.1.1.3 Develop mail list, update regularly, and send copies to NDEP.	
	1.4.1.2 Use of Consultants . (GBMW) It is not possible for a consultant to be objective if a large portion of their income comes from that company. Consultants don't do objective science.	1.4.1.2 (GBMW) In the interest of objectivity, we recommend that the BLM <u>not always</u> use the company's prime consultant. [Some members of audience (consultants, mine operators) disagreed with this recommendation.]	Comment noted.
	1.4.1.3 Groundwater Models . (GBMW) A porous media model is a poor substitute for studying flow in fracture systems.	1.4.1.3 (GBMW) BLM should not rely on porous media modeling data to evaluate impacts to the groundwater in fractured media in NEPA documents (?). Fractures provide pathways; impossible to monitor adequately.	Comment noted.
	1.4.1.4 Geochemical Models . (GBMW) Geochemical models are uncalibrated and unvalidated.	1.4.1.4.1 (GBMW) Models must start considering geostatistical properties of the PAG.	Comment noted.
		1.4.1.4.2 (GBMW) Must understand uncertainty.	Comment noted.
		1.4.1.4.3 (GBMW) Stochastic modeling.	Comment noted.
		1.4.1.4.4 (GBMW) Use bonds and trust funds for uncertainty.	Comment noted.

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		1.4.1.4.5 (GBMW) Use the precautionary principle. The BLM must assume that pollution will occur and plan for it with monitoring and mitigation plans.	Comment noted.
	1.4.1.5 Environmental Sustainability. (GBMW) With gold prices increasing, there are chances for the industry to perform better.	1.4.1.5 (GBMW) Mining industry should go out of their way to do well by the people who will be here long after they've left?	Comment noted.
	1.4.1.6 Native Americans' Sacred Lands (GBMW)	1.4.1.6.1 (GBMW) It is time for the BLM to start denying mines that destroy sacred sites, sacred mountains, and significant cultural resources. (GBMW) Is there a threshold in the definition of "unnecessary or undue degradation" (43 CFR 3809) that would allow the BLM to deny a plan of operations?	Comment noted.
		1.4.1.6.2 (GBMW) Need for a sacred lands protection act at state or federal level.	Comment noted.

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1.4.2 Streamlining NEPA Process	1.4.2.1 Conflict Resolution. (NMA) (NSF RAC) When dealing with the broad-based issues of resource management, inevitably there are differences of opinion.	1.4.2.1.1 (NMA) Suggest looking in to an administrative review process or establishment of an Ombudsman to facilitate resolution of conflicts: - Regarding Technical Report - NEPA alternatives - Permit coordination issues with NDEP and others.	1.4.2.1 Comment noted. Nevada BLM Field Managers strongly object to the “Ombudsman” proposal identified at the Reno Workshop. An ombudsman would not be able to exceed authority of line management, i.e., the Field Manager. Also, not necessarily do-able, because of budget, time, and workload constraints. Would need to define how much authority, authority to do what, and what level of decision-making; i.e., coordinator vs. FM/AFM.
		1.4.2.1.2 (NSF RAC) In the 3809 and NEPA processes, there should be a formalized method of resolving technical issues in a timely manner. An Ombudsman position is one way this could be accomplished. This process should be available to BLM, industry, consultants and the interested public.	Comment noted.
		1.4.2.2 “Ombudsman” concept will not get support from BLM Field Managers, whom are the authorized officers for making decisions on plans of operations.	1.4.2.2 See status of 1.4.2.1, above.
	1.4.2.2 (BLM-LVFO) Need a current NEPA proposal list. LVFO has own NEPA tracking system (CREPA) (which they had developed before Turbo NEPA was available), of which NV-930 is aware. What is rest of State using? Should probably have standardization of NEPA-tracking software statewide (CREPA, NEPA 2000, Turbo NEPA).		Comment noted.
	1.4.2.3 (NSF RAC) NEPA Coordinators	1.4.2.3 (NSF RAC) Empower NEPA Coordinators. They need to be empowered to resolve, make a decision and move process on.	Comment noted.

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	1.4.2.4 (NSF RAC) Scheduling	1.4.2.4.1 (NSF RAC) Schedules. No accountability by BLM project leaders. Set up schedules and try to stick with them.	Comment noted.
		1.4.2.4.2 (BLM - Elko) Improve management of project schedules. Project lead to coordinate and monitor.	Comment noted.
		1.4.2.4.3 (BLM - Elko) Earlier industry participation; at formal plan stage is too late	Comment noted.
	1.4.2.5 (NSF RAC) Consultants	1.4.2.5 (NSF RAC) Go with proven consultants; don't use NEPA process to train new consultants.	Comment noted.
	1.4.2.6 (NSF RAC) MOU	1.4.2.6 (NSF RAC) Focus on MOU with State. BLM/State should keep working together.	Comment noted.
	1.4.2.7 (NSF RAC) Streamlining Meeting	1.4.2.7 (BLM - Elko) Streamlining Meeting. NMA, BLM, NDEP meeting in early Spring on streamlining efforts and reclamation bonding cost workshop.	1.4.2.8 In progress.
	1.4.2.8 (NSF RAC) Sustainable Development. EIS focus tends to lose big picture, tiny issues become big issues, and uncertainty is a problem.	1.4.2.8 (NSF RAC) Need to deal with this.	Comment noted.
	1.4.2.9 (NSF RAC) Federal Register Process takes too long.	1.4.2.9 (NSF RAC) Look at recent EIS's to see what was done right and what was done wrong...maybe rewrite manual from this.	Comment noted.

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	1.4.2.10 (NSF RAC) It takes IBLA too long (3 years) to reach decision. Makes mine operators go to court to get a quicker action.		Comment noted.
	1.4.2.11 (NSF RAC) NEPA Appeal Process does not work and may take three years for a decision.		Comment noted.
	1.4.2.12 (NSF RAC) Sustainable development. Fringe groups get too much attention in NEPA process.	1.4.2.12.1 (NSF RAC) Look at big picture. National picture, not just local.	Comment noted.
		1.4.2.12.2 (NSF RAC) Get input from “silent majority.”	Comment noted.
	1.4.2.13 (NSF RAC) Completeness of plan. How complete does the 3809 proposed action document need to be prior to initiating the NEPA process? In my view, these two processes can and should be concurrent.	1.4.2.13.1 (NSF RAC) A revision of the handbook to reflect these changes is needed.	Comment noted.
		1.4.2.13.2 (NSF RAC) Look at the 3809 “NEPA trigger” .	Comment noted.
	1.4.2.14 (NSF RAC) BLM could save an incredible amount of time and work by appropriately utilizing DNA’s and EA’s	1.4.2.14 (NSF RAC) Everything does not require an EIS.	Comment noted.
	1.4.2.15 Native American Consultation. (NMA) The Native American consultation process is not working well.	1.4.2.15.1 (NMA) Form a panel to search for a new and more effective process.	Comment noted.
		1.4.2.15.2 (BLM - Elko) BLM NEPA Coordinator should make early contact with Native American Coordinator	Comment noted.

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1.5 Bonding

1.5.1 Reclamation Bonding, General	1.5.1.1 (15. NDEP) Is bonding for contingency discretionary at the District level?	1.5.1.1 (15. NDEP) Discuss with District staff the current NSO policy to include contingency in the bond cost estimate, and how the current 3809 language addresses bonding for contingency.	Comment noted.
	1.5.1.2 (16. NDEP) Some districts require bonding for pit backfilling to ensure its completion, but other Districts treat pit backfilling as an operational issue and do not require bonding.		Comment noted.
	1.5.1.3 (17. NDEP) Some Districts send a bond decision letter that require a bond to be established prior to plan approval and upon verification that an acceptable surety has been provided they send another decision letter approving the Plan of Operations. Other Districts appear to use one decision letter that approves the Plan of Operations, determines the bond amount and establishes a timeframe to establish a bond.	1.5.1.3 (BLM - Elko) Develop standard language for plan approval, subject to bond adjudication and acceptance.	Comment noted.
1.5.2 Bonding (3809) Status	1.5.2.1 (19 & 20 NDEP) What is the plan to get 100% of existing mining projects bonded for reclamation to comply with the new 3809.505 requirements? (GBMW) Coverage should include fluids management and closure costs.	1.5.2.1.1 (20. NDEP) Develop a way to establish temporary resources in the NSO to work with the Districts to complete these updates	Comment noted.
		1.5.2.1.2 (BLM - Elko) Need dedicated (full-time?) individuals for this work: 1) Create a Zone position dedicated to "number crunching," 2) Use third-party contractors	1.5.2.1.2 Under consideration, including alternatives.
1.5.3 Bond Adjudication	1.5.3.1 (21. NDEP; NMA) Bond adjudication can take a long time.	1.5.3.1.1 Develop list of backlogged cases	1.5.3.1.1 Completed. Pending List on BLM internal network (S: Drive)

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	Companies presently cannot proceed until the Nevada BLM State Office adjudication letter is received.	1.5.3.1.2 Develop a streamlined method for adjudication of bonds.	Comment noted.
		1.5.3.1.3 (BLM - Elko) Add more adjudicators to NV-920 bond group.	Comment noted.
		1.5.3.1.4 (BLM - Elko) Authority to de-obligate \$ resides with NSO.	Comment noted.
		1.5.3.1.5 (NMA) Need to look at potential mechanisms to streamline the issuance of SO adjudication letter : 1) Established accounts, 2) Wire transfer confirmation, 3) Acceptance of letter of credit.	Comment noted.
1.5.4 Bond Instruments	1.5.4.1 Corporate Guarantees. (GBMW) BLM's policy of eliminating corporate guarantees first is required by the 3809 regulations. How does BLM define a corporate guarantee? How does BLM provide input into the state's corporate guarantee program? (NMA) Need more equitable alternatives to extinguishing corporate guarantees.	1.5.4.1 (NMA) Review State Office policy of extinguishing corporate guarantees first, before returning any cash. Consider using pro-ration based on ratio of corporate guarantee vs. other instruments. Any bond released should be in the same proportions as the bond is held.	1.5.4.1 In progress.
	1.5.4.2 Long-Term Trust Funds. (GBMW) Does the BLM have a means for determining what is a need?	1.5.4.2.1 (GBMW) BLM should establish a standard for long-term bonding that all can look at. Coverage should include Heap seepage leach fields, pit lakes, and French drains.	Comment noted.
		1.5.4.2.2 (GBMW) Pit lakes need a trust fund to monitor and fix water quality issues.	Comment noted.
	1.5.4.3 (GBMW) Does the BLM have a plan for assessing existing treatment problems ?	1.5.4.3 (GBMW) Do not trust models.	Comment noted.
1.5.5 Reclamation Cost Estimates	1.5.5.1 (NMA) Administration fee mechanism as applied to	1.5.5.1.1 (NMA) Look at benchmarking with other federal agencies	Comment noted.

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	reclamation bond calculations is too high; there is uncertainty regarding additional (national, regional) administrative fees; and Contingency fees.	1.5.5.1.2 (BLM - Elko) Waiver. Waiver letter for 17.8% indirect cost (NBC?) requested, but no clarification received. Without waiver, could result in 36% Administration Fee. Use 18% pending waiver decision.	Comment noted.
		1.5.5.1.3 (BLM – Elko) NV-920 should work with NDEP to schedule (late Summer) a Joint BLM/NDEP/Industry Bond Cost Workshop. Hydrologist involvement required. Invite Environmental Community;	1.5.5.1.3 Will be discussed at a meeting with NDEP and NMA on July 9, 2003..
		1.5.5.1.4 NV-920 set up COR/PI Training	1.5.5.1.4 Training conducted at NSO, Reno, 05/21-23/03. Additional training available from BLM’s National Training Center, Phoenix, AZ.
		1.5.5.1.5 NV-920 make available a reclamation cost estimating spreadsheet for notices.	Completed.
		1.5.5.1.6 NV-920 make available a spreadsheet for grading/regrading volumes [State Formula ; Calculation instructions and/or checklist should include what BLM expects to see].	Comment noted.
		1.5.5.1.7 NV-920 consider a Zone position (COR/PI)	1.5.5.1.7 Was considered, but dropped.
		1.5.5.1.8 NV-920 inquire into NTC “on-line” training opportunities	1.5.5.1.8 Completed. An inquiry was made, but was determined not to be feasible.
		1.5.5.1.9.1 (BLM - Elko) NV-920 develop Master Schedule with State based on a 3-year review cycle	Comment noted.
		1.5.5.1.9.2 (BLM - Elko) NV-920 consider letting the State take the lead on operations needing bond increases	1.5.5.1.9.2 In progress. Under consideration as part of the Deferral process.
		1.5.5.1.9.3 (8. NDEP) Work with NDEP to develop a process to: 1) Improve prioritizing, reviewing and approving 3-year cost updates; 2) Determine when projects need to provide a 3-year update.	In progress.

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	1.5.5.2 (8. NDEP) Improve process to prioritize, review and approve 3-year cost updates .	1.5.5.2 (BLM - Elko) Part of backlog problem (updating existing bonds) is due to missing data from operators.	Comment noted.
	1.5.5.3 (BLM - Elko) Multiple versions of Bond Costing Work Sheet exist	1.5.5.3 (BLM Elko) Ensure all FOs has the correct version of the Reclamation Bond Cost Estimation Summary Spreadsheet. Add date to form.	1.5.5.3 Completed.
	1.5.5.4 (BLM - Elko) How to calculate regrade volumes ? This is an area ripe for miscalculation; increased vigilance required.	1.5.5.4 (BLM - Elko) Regrade Volumes . NDEP has a spreadsheet we could use, but need to verify assumptions in the field.	Comment noted.
	1.5.5.5 (BLM - Elko) Interim Fluid Management . Should a bond be required for IFM?	1.5.5.5 (BLM - Elko) Interim Fluid Management (IMF) . NDEP is responsible for immediate response, up to six months. Only Designed to Contain Fluids. Disposal is a separate line item for costs.	Comment noted.
	1.5.5.6 (BLM - Elko) Drill Hole Plugging . State regulations require plugging of all drill holes. Drill hole plugging is not specifically addressed in new 3809 regulations, but is Nevada BLM policy (IM NV-2002-066) to follow State requirements. FOs attending Elko Workshop voted to change the NV BLM policy. LVFO did not have the opportunity to vote on policy involving plugging drill holes, does not want any changes, and will continue to use the existing policy.	1.5.5.6 (BLM - Elko) Drill Hole Plugging . Where holes are being plugged as-they-go, bond for last or deepest hole (1,000 – 3,000 feet). If not, bond for all holes.	Comment noted.
	1.5.5.8 (BLM - Elko) Bonding for Traditional Closure .	1.5.5.8.1 (BLM - Elko) Encourage use of “Green World Science” (does not reduce costs), but bond for worse.	Comment noted.

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Categories	Combined Issues	Proposed Resolutions & Action Items	Status
		1.5.5.8.2 (BLM - Elko) BLM/NDEP/UNR Team with Industry to work through site and evaluate/approve process.	
	1.5.5.9 What costs should BLM use for equipment rentals?		Comment noted.
	1.5.5.10 Who is point of contact (POC) in NV-920 for reclamation cost estimating?	1.5.5.10 Check for or assign a POC in NV-920	1.5.5.10 Completed. Primary POC in the BLM Nevada State Office (NV-920) for reclamation cost estimation is Craig Smith, 775-861-6453; secondary POC is Larry Steward, 775-861-6575.
1.5.6 Bond Forfeiture	1.5.6.1 (BLM - Elko) Bond forfeiture needs to progress to reclamation more quickly, because of the 3% loss per year incurred on bonds.		Comment noted.
1.5.7 Compliance Inspections	1.5.7.1 (3. NDEP) Bond release inspections	1.5.7.1 (3. NDEP) When BLM receives request, notify NDEP and see if we can both attend. Since we (NDEP) cover the entire state we need some advance notice to make arrangements.	Comment noted.
	1.5.7.2 (BLM - Elko) The availability of NDEP inspectors is a concern to BLM FO contacts, since BLM is required to make quarterly inspections	1.5.7.2.1 (BLM - Elko) Develop inspection checklist for Notices.	Comment noted.
	1.5.7.3 (12. NDEP) NDEP routinely copies the BLM on their inspection follow-up letters, but receive only limited information regarding BLM inspections.	1.5.7.3.2 NDEP is encouraging BMRR inspectors to attempt to coordinate at least one inspection per year with BLM staff at each site as respective schedules allow.	Comment noted.

Table I. FY 2003 Nevada BLM Energy & Minerals Issues Summary

Categories	Combined Issues	Proposed Resolutions & Action Items	Status
	1.5.7.4 (13. NDEP) When BLM kicks a permitted operator off of a site, who then becomes responsible for the permit compliance issues ? Since BLM is preventing the operator from accessing the site, should BLM then clean it up? One such example is the Phoenix Metals site in southern Nevada	1.5.7.4 (BLM - Elko) Hypothetically, NDEP is responsible. If State issues a cease and desist order, BLM is <u>not</u> a permit holder to the State.	Comment noted.
1.6 Mine Closures			
1.6.1 Perpetual Treatment	1.6.1.1 Perpetual Treatment. (GBMW) Bad idea to permit mines with planned perpetual treatment.	1.6.1.1.1 (GBMW) BLM should obtain sufficient data in advance to determine whether AMD will need to be treated forever.	Comment noted.
		1.6.1.1.2 (GBMW) When need is discovered post-mining, the BLM must establish a long-term trust fund.	Comment noted.
1.6.2 Heap Closures	1.6.2.1 Heap Closures	1.6.2.1.1 (GBMW) End the practice of discharging through a French drain into the ground.	Comment noted.
		1.6.2.2 (GBMW) Repeal or change interpretation of the Bevill Amendment .	Comment noted.
		1.6.2.1.3 (Sierra Club) BLM/State in cooperation ...should look closely at all the closed heaps across state. Looked at Relief Canyon mine, efflorescence's on heaps, contaminated wells, process pond had 6' of water...contaminated. Alta sites should be looked at closely (they are Legacy issues).	Comment noted.
		1.6.2.1.4 (Sierra Club) Florida Canyon is the primary closure site for BLM/NDEP to look at. Manage Florida Canyon over the long term (i.e., long-term maintenance) to handle salts in heaps using bioreactors. Also, Placer Dome has one.	Comment noted.

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Categories	Combined Issues	Proposed Resolutions & Action Items	Status
1.6.3 Acid Drainage	1.6.3.1 Acid drainage. (Sierra Club) going to become a bigger issue, for example the Rain Mine...more acid drainage than Leviathan mine.	1.6.3.1.1 (Sierra Club) Use “ Green World Science ” solutions for long-term management of mine sites. (BLM-Elko) Bonding for traditional reclamation and closure procedures and methods, operators can use “ Green World Science ” to prove methodology, if desired.	Comment noted.
		1.6.3.1.2 (Sierra Club) Closure caps should be focused on by BLM.	Comment noted.
		1.6.3.1.3 (Sierra Club) Jerritt Canyon is leaking and is a long-term problem. Chloride is abundant for tracing. (Sierra Club) Develop closure plan for Jerritt Canyon.	Comment noted.
1.6.4 Pit Lakes	1.6.4.1 Pit Lakes. (Sierra Club) Pit Lake modeling not well-understood...not good predictor; (Sierra Club) How to protect ground water around pit lakes?	1.6.4.1 (Sierra Club) Put pit lake modeling money into long-term contingency bond.	Comment noted.
1.6.5 Mercury	1.6.5.1 (Sierra Club) Mercury. Blowing Hg into air not good idea and some mines in NV have high mercury. How much Hg does Paradise Valley area mines and NV produce? How does BLM/NDEP manage stack Hg?		Comment noted.
1.6.6 Closure Group	1.6.6.1 (BLM - Elko) Closure group needs paper trail.	1.6.6.1 (BLM - Elko) FOs should work more closely with NDEP staff to develop better working relationships. NDEP Closure Group starting to integrate and coordinate better.	Comment noted.

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Categories	Combined Issues	Proposed Resolutions & Action Items	Status
1.6.7 Bond Collection	1.6.7.1 (9. NDEP) Several bonds have been collected, but BLM has not moved forward with the scope of work and contract process . We are losing the limited dollars to inflation and not addressing potential environmental concerns.	1.6.7.1.1 (NDEP) Once a bond has been forfeited to the BLM, we need BLM to proceed with the contract process and to work with NDEP to establish priorities to develop the scope of work. The Paradise Peak facility is a good example where BLM has had the bond money for 2 years and yet no action has been taken at the site.	Comment noted.
		1.6.7.1.2 (NDEP) We also need BLM to dedicate resources and staff to start the PRP process and to pursue the potentially responsible parties for several of these projects.	Comment noted.
	1.6.7.2 (NDEP) Make demand on bonds for Atlas Gold properties a priority.	1.6.7.2 (NDEP) We need BLM to proceed with the bond forfeiture process on Atlas Gold properties.	Comment noted.
	2.0 Geothermal Resources		
2.1 Meeting Workload Responsibilities	2.1.1 (NDOM) Need to be responsive to development needs associated with the State's Renewable Energy Portfolio Standard (REPS)		2.1.1 In progress. All permit applications are being processed in a timely manner to meet time frames mandated by Nevada's REPS, including completing NEPA review.
	2.1.2 (NDOM) Power purchase agreements have specific performance time lines for development and they must be met or the contracts can be in jeopardy		Comment noted.
	2.1.3 (NDOM) NEPA work for well, pipeline, transmission and plant approvals will be needed. Are resources allocated?		Comment noted.

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3.0 Oil & Gas

3.1 Meeting Workload Responsibilities	3.1.1 (NDOM) Must have 4 competitive sales/year	3.1.1 (NDOM) BLM should have 4 competitive sales/year	Comment noted.
	3.1.2 (NDOM) Backlog of industry nominated tracts in the Ely Field Office	3.1.2 (NDOM) BLM should Reduce backlog of nominated tracks in Ely FO	Comment noted.
	3.1.3 (NDOM) Need appropriate resources to revise NEPA planning documents	3.1.3.1 (NDOM) NSO should work with FOs to provide appropriate resources to revise NEPA planning documents	Comment noted.
		3.1.3.2 Consider programmatic Environmental Assessment on an interim basis	Comment noted.
3.2 Old APDs	3.2.1 (BLM -Ely) Old APDs. Many have gone > Two Years Without Drilling.	(BLM -Ely) Old APDs. Nevada should adopt a policy where an APD is valid for one year, with one year renewal and after two years one may resubmit	Comment noted.

4.0 Abandoned Mine Lands (AML)

4.1 Coordination with NDOM	4.1.1 Authorizations to secure (NMA)	4.1.1 (NDOM) Need for “ authorizations to secure ” for fencing to be timely	Comment noted.
	4.1.2 Assistance agreement (NMA)	4.1.2 (NDOM) Continuation of assistance agreement at current or increased levels	Comment noted.
	4.1.3 Prioritize efforts (NMA)	4.1.3 (NDOM) Closer coordination with BLM-NSO to prioritize statewide inventory and securing efforts	Comment noted.
	4.1.4 Funding (NMA)	4.1.4 (NMA) Strategic long-term coordination and funding for “on the ground” Nevada AML securing activities (i.e. Fencing, gating, backfilling). Currently year-to year.	Comment noted.

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	4.1.5 Statewide programmatic EA/EIS (NMA)	4.1.5 (NMA) Need to look at the possibility of a programmatic EA/EIS for a statewide AML program (not just Clark County).	Comment noted.
	4.1.6 Legacy Sites. (Sierra Club)	4.1.6 (Sierra Club) Federal and state agencies need to look at and study historic sites in NV; new age legacies...examples include: Arimetco, Alta gold, etc. sites. Santa Rosa Range: Buckskin.	Comment noted.
4.2 GIS Data	4.2.1 Hunting Areas	4.2.1 (BLM - Elko) Hunting areas need to be looked at for AML physical safety ID. Mitigation availability of AML GIS data.	Comment noted.
4.3 Funding	4.3.1 Budget	4.3.1 (BLM - Elko) No 3809 (1990) dollars for AML safety hazard mitigation.	Comment noted.
	4.3.2 Workload Priorities	4.3.2 (BLM - LVFO) LVFO AML accomplishments may suffer from staff becoming scarce; i.e., FO Biologist and Cultural Resources Specialists being redirected to higher priority work and these positions are currently vacant.	Comment noted.
5.0 Hazardous Materials			
5.1 PRP Searches	5.1.1 (BLM - Elko) Need follow-up and when do we use CERCLA ?		5.1.1 Completed during discussions at Elko Workshop.
5.2 SOWs	5.2.1 (BLM - Elko) SOWs (Statements of Work). Are examples available?		5.2.1 On-going between BLM Hazmat Coordinators.
5.3 Funding	5.3.1 (BLM - LVFO) Where does funding for small mine cleanup come from? (re: Eagle 1 site)		5.3.1 Completed during discussions at LV Workshop.

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6.0 Mineral Materials			
6.1 Split-Estate Lands	6.1.1 (BLM - Elko) What is the minimal (maximum) amount of materials a surface owner can use on split-estate lands before the mineral material sales regulations take effective?		Comment noted.
6.2 Appraisals	6.3.1 (BLM - Elko) Mineral Materials Appraisal update is needed for the northern Nevada FOs, last appraisal is 7 ½ years old.	6.3.1.2 (BLM - LVFO) Ensure Regional Appraisal for Northern Nevada FOs is completed by EOY FY2003	6.3.1.2 Completed. As of 6/11/03 copies were sent to all northern NV BLM Field Offices.
6.3 Bond Form	6.3.1 (BLM - LVFO) There are no BLM forms identified in the BLM Manual Handbook H-3600-1 for statewide bonds, either personal or surety.	6.3.1 (BLM - LVFO) NV-923 will assist LVFO in developing forms for statewide surety and personal bonds for 43 CFR 3600 sales.	6.3.1 Completed.
		6.3.2 NV-921 will consider making the forms for statewide bonds under 43 CFR 3600 operations applicable Nevada-wide.	6.3.2 In progress.
6.4 Trespass, Billings and Collections	6.4.1 (BLM - LVFO) Installment Plan for trespass payments is not allowed according to BLM National Business Center.		Comment noted.
	6.4.2 (BLM - LVFO) When co. ignores payment process, NBC does not always pursue, track or support LVFO case file.	6.4.2 (BLM - LVFO) May need some kind of “adjudicative debt,” where BLM “forgives” debt and something else kicks in for debt collection.	Comment noted.
6.6 Production Verification	6.6.1 (BLM - LVFO) Real Time Kinematics (RTK) survey equipment works well for surveying sites, but costs about \$50,000 per unit.		Comment noted.

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7.0 Solid Leasables Other Than Coal

7.1 Delegation of Authority for Case Files	7.1.1 There are two types/sets of 43 CFR 3500 case files in Nevada for each operation, i.e., Operational and Leasing. Each type of case file for Northern Nevada is housed in a different BLM office, i.e., operational files in NV-921 (NSO, up stairs) and leasing files in NV-923 (NSO, down stairs). This is a carryover from the merger with MMS in the early 1980's. For the LVFO, both types of case files should be maintained at the FO level, based on a special delegation of authority by the DSD, NV-920 (no supporting documentation).	7.1.1 NV-920 should clarify the Delegation of Authority associated with housing and maintaining the 43 CFR 3500 case files. Investigate combining into one file and having LVFO maintain and house their file(s).	Comment noted.
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8.0 Mining Claim Occupancy

8.1 Handbook	8.1.1 (BLM - Elko) Handbook. Need handbook for mining claim occupancy.	8.1.1 (BLM - Elko) There are no handbooks coming out in the near future.	8.1.1 Issue noted.
8.2 Special Legislation Properties	8.2.1 (BLM - Elko) 1) Ione, 2) Gold Point, 3) Town sites located on old claims?		8.2.1 Bill pending before Congress to establish townsites.
8.3 Funding	8.3.1 (BLM - LVFO) Need funding to clean up sites, including Phoenix, Jones Bros., and Harris.		Comment noted.